



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: August 06, 2012.

**H. CHRISTOPHER MOTT
UNITED STATES BANKRUPTCY JUDGE**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:	§	CASE NO. 11-30977-hcm
	§	
DHC REALTY, INC.	§	
	§	CHAPTER 11
Debtor.	§	

DHC REALTY, LLC; CHOWAIKI	§	
HOLDINGS, LLC, EL PASO DHC	§	Adversary No. 12-03012-hcm
ENTERPRISES, LLC, EL PASO DHC	§	
ENTERPRISES FAR EAST, LLC,	§	
EL PASO DHC ENTERPRISES	§	
WEST, LLC, AND DAVID CHOWAIKI,	§	
	§	
Plaintiffs,	§	
v.	§	
	§	
ARMANDO ARMENDARIZ	§	
YVETTE ARMENDARIZ, AND	§	
HECTOR ARMENDARIZ,	§	
Defendants.	§	

ORDER DENYING MOTION TO DISMISS AND REQUIRING ANSWER AND REPORT

On July 6, 2012, Armando Armendariz, Yvette Armendariz, and Hector Armendariz (collectively "Defendants") filed their Motion to Dismiss Under FRCP 12(b)(6) or in the Alternative, For More Definitive Statement ("Motion") (dkt no. 9). On July 27, 2012, DHC Realty, LLC, Chowaike Holdings, LLC, El Paso DHC Enterprises,

LLC, El Paso DHC Enterprises Far East, LLC, El Paso DHC Enterprises West, LLC, and David Chowaiki (collectively "Plaintiffs") filed their Response to the Motion. On August 3, 2012, the Defendants filed their Reply. After considering Plaintiffs' Original Complaint, the Motion, Response, and Reply, the Court finds that the Motion should be denied as set forth below for the reasons stated in the Response, and that the following Order should be entered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AND NOTICE IS HEREBY GIVEN AS FOLLOWS:

1. The Motion to Dismiss Under FRCP 12(b)(6) or in the Alternative, For More Definitive Statement (herein "Motion") (dkt no. 9) filed by Defendants is hereby denied; provided that prior to 45 days before the deadline for completion of fact discovery, Plaintiffs shall amend their Complaint to more specifically set forth the alleged transfers which are the subject of their counts for fraudulent transfers and post-petition transfers.

2. By August 22, 2012, the Defendants shall file and serve an Answer to Plaintiffs' Original Complaint.

3. By August 31, 2012, counsel for the parties shall meet and confer regarding proposed scheduling deadlines in this adversary and file a joint or separate Report with the Court setting forth proposed scheduling deadlines for the following: amendment of pleadings, fact and expert discovery, mediation, initial and rebuttal expert reports, dispositive motions, pre-trial conference/docket call, and any other deadlines that the parties believe may be appropriate. Upon filing of such Report, the parties shall notify the Courtroom Deputy that the Report has been filed. Thereafter, the Court will enter a Scheduling Order in this adversary proceeding.

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United States Bankruptcy Court
Western District of Texas

DHC Realty, LLC,
Plaintiff

Armendariz,
Defendant

Adv. Proc. No. 12-03012-hcm

CERTIFICATE OF NOTICE

District/off: 0542-3

User: hilliardj
Form ID: pdfintp

Page 1 of 2
Total Noticed: 11

Date Rcvd: Aug 06, 2012

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 08, 2012.

dft +Armando Armendariz, 11316 Lindenwood Avenue, El Paso, TX 79936-2414
pla +Chowaiki Holdings, LLC, 301 Williams, El Paso, TX 79901-1813
pla +DHC Realty, LLC, 301 Williams, El Paso, TX 79901-1813
pla +David Chowaiki, 301 Williams, El Paso, TX 79901-1813
pla +El Paso DHC Enterprises Far East, LLC, 301 Williams, El Paso, TX 79901-1813
pla +El Paso DHC Enterprises West, LLC, 301 Williams, El Paso, TX 79901-1813
pla +El Paso DHC Enterprises, LLC, 301 Williams, El Paso, TX 79901-1813
dft +Hector Armendariz, 14201 Desert Sage, Horizon City, TX 79928-6446
dft +Yvette Armendariz, 11316 Lindenwood Avenue, El Paso, TX 79936-2414

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

ust E-mail/Text: USTPRegion07.sn.bnc@usdoj.gov Aug 06 2012 23:12:21 United States Trustee - EP12,
U.S. Trustee's Office, 615 E. Houston, Suite 533, P.O. Box 1539,
San Antonio, TX 78295-1539
intp +E-mail/Text: ustpreregion07.au.ecf@usdoj.gov Aug 06 2012 23:13:56 Valerie Wenger,
Office of the U.S. Trustee, 903 San Jacinto Blvd., Suite 230, Austin, TX 78701-2450
TOTAL: 2

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

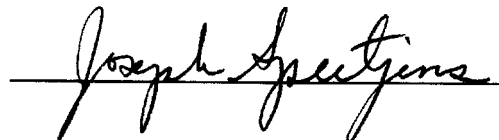
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 08, 2012

Signature:



12-03012-hcm Doc#15 Filed 08/08/12 Entered 08/09/12 00:10:33 Imaged Certificate of
Notice Pg 4 of 4

District/off: 0542-3

User: hilliardj
Form ID: pdfintp

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Total Noticed: 11

Date Rcvd: Aug 06, 2012

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on August 6, 2012 at the address(es) listed below:

Corey W. Haugland on behalf of Plaintiff Chowaiki Holdings, LLC chaugland@jghpc.com
Sidney J. Diamond on behalf of Defendant Armando Armendariz usbc@sidneydiamond.com

TOTAL: 2